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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,231	04/01/2002	Jean Sattler	Q68795	1696

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037

EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,231

Applicant(s)

SATTLER ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3/19/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 9/29/1999. It is noted, however, that a copy of the certified copy of the French application has not been included in the file by the International Bureau. It is noted that the FORM PCT/DO/EO/903 (371 Acceptance Notice) acknowledges the receipt of the priority document.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehnert (3,579,621: figures 1-2; column 1, lines 32-35; column 2, line 62 to column 3, line 10; column 3, line 63 to column 4, line 6; and column 4, lines 22-66).

Mehnert teaches a blow molding apparatus having several molding units on a carousel (column 1, lines 32-35 and column 3, line 72 to column 4, line 6), wherein each mold has two mold halves (4a, 4b) movable between an open and closed position to capture and then mold a parison (3) extruded from extrusion head (2), wherein the mold is mounted to pivot from a vertical position aligned with the axis of the extruder (1-figure 1) to the inclined position in figure 2. The pivoting means is moved by suitable drive means (column 4, lines 60-66) and the mold can be returned to the upright position

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(column 3, lines 3-10). The carousel is moved continuously (column 3, lines 72-74). In regards to claim 6, the mold opens along a direction radial to the axis of rotation of the carousel as illustrated in figure 2.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehnert taken together with Kikuchi et al (4,738,612: figure 1).

Mehnert discloses all claimed features except for the mold being mounted on a cradle that is tilted as the reference discloses tilting means for moving the mold in relation to the platen supports.

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Kikuchi et al disclose a cradle (7) for tilting a mold (34, 36) relative to an extrusion axis (17) of an extruder head (14).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mehnert by tilting a carriage supporting the molds as disclosed by Kikuchi et al for the purpose of tilting a mold supported by a tie-bar-less mold clamping assembly.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehnert taken together with Bailey et al (2,674,006: figures 1-4).

Mehnert discloses all claimed features except for the mold having more than one cavity wherein the cavities are offset in a direction tangential to path of the carousel.

Bailey et al disclose a rotary blow molding apparatus comprising: a carousel (C), extrusion nozzles (N1, N2), and a mold having two cavities (M1, M2), which are offset along a direction tangential to the path of the carousel (see figure 1 and column 2, lines 1-15).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mehnert by using a mold having more than one mold cavity offset tangentially to the carousel path as disclosed by Bailey et al for the purpose of increasing the output of the device by molding two articles in each mold instead of one.

***Allowable Subject Matter***

8. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 2, none of the prior art of record teaches or suggests a rotary blow molding apparatus as claimed in claim 1, wherein the articulation axis is tangential to the path of the carousel. The closest prior art Mehnert requires tilting along the carousel path to account for relative movement between the mold and the extruded parison.

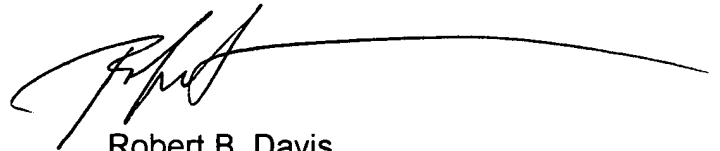
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show the state of the art of extrusion blow molding apparatus having carousels or tilting molds. Of particular note are EP application 464933 A2 which teaches tilting of the entire carousel table, Heston (3,496,600) which teaches a swinging mold supported on a carousel table, and Lecluyse et al which teaches pivotal opening and closing movement of an outer mold half to introduce a parison and release a molded article. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'R. Davis', with a long horizontal flourish extending to the right.

Robert B. Davis  
Primary Examiner  
Art Unit 1722

12/14/05